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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

D. BRIAN BOGGESS,

Defendant.

Case No. 2:19-cv-01316-GMN-EJY

**JOINT STIPULATION AND
[PROPOSED] ORDER TO LIFT STAY
OF PROCEEDINGS**

The parties in the above-referenced matter, by and through their attorneys, hereby jointly move the Court for an order lifting the stay granted by this Court on December 23, 2019.

On July 30, 2019, the Government filed a Complaint seeking the return of benefit payments from the Defendant. ECF No. 1. The Defendant filed his Answer on October 15, 2019. ECF No. 5.

On December 20, 2019, the parties sought a stay of proceedings in order to “resolve this matter without continued litigation.” ECF No. 8. This Court granted the Order to Stay on December 23, 2019. ECF No. 9. Unfortunately, the compromised settlement that the parties sought to achieve has not occurred. Consequently, the parties request the Court lift the present stay in order that this matter can proceed. Within ten (10) days following the

1 Court's entry of an Order lifting the stay in this matter, the parties will submit a proposed
2 Joint Discovery Plan and Scheduling Order.

3 Respectfully submitted this 30th day of August, 2021.

5 CHRISTOPHER CHIOU
Acting United States Attorney

6 /s/ D. Brian Boggess
7 D. BRIAN BOGGESS
3610 N. University Ave. Suite 275
8 Provo, UT 84604

6 /s/ Summer A. Johnson
7 SUMMER A. JOHNSON
Assistant United States Attorney

Attorney for the United States

9 *Attorney for Defendant (Pro Se)*

11 **IT IS SO ORDERED.**

12 Dated this 31 day of August, 2021.

14 
15 _____
16 Gloria M. Navarro, District Judge
UNITED STATES DISTRICT COURT

Certificate of Service

I hereby certify that on August 30, 2021, I electronically filed and served the foregoing **JOINT STIPULATION AND [PROPOSED] ORDER TO LIFT STAY OF PROCEEDINGS** with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system and by first class mail, postage prepaid, as follows:

D. BRIAN BOGGESS
3610 N. University Ave. Suite 275
Provo, UT 84604

/s/ Summer A. Johnson
SUMMER A. JOHNSON
Assistant United States Attorney
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